

SOLID WASTE DISPOSAL ACT8-45-B. Actions on Petitions Requesting a Variance from a Treatment Standard for Contaminated Soil and/or Debris that are Site-Specific

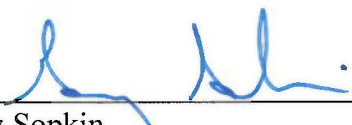
1. **AUTHORITY.** To grant or deny site-specific petitions for variance from a treatment standard for contaminated soil and/or debris established by the land disposal restrictions program (40 C.F.R. Section 268.44(h)), promulgated under Sections 3004(d), 3004(e), 3004(g), and 7004 (a) of the Solid Waste Disposal Act, as amended, and Sections 104 and 121 of the Comprehensive Environmental Response, Compensation, and Liability Act.
2. **TO WHOM DELEGATED.**
 - a. Deputy regional administrator, for above authority with respect to CERCLA remedial actions.
 - b. Director, Superfund and Emergency Management Division, for above authority with respect to CERCLA removal actions.
 - c. Director, Land, Chemical and Redevelopment Division, for above authority with respect to actions under SWDA.
3. **LIMITATIONS.**
 - a. Each delegatee shall consult with the assistant administrator for the Office of Land and Emergency Management twenty-one (21) days before exercising this authority for the first three site-specific treatability variances for contaminated soil and/or debris which each region issues under this delegation.
 - b. After the first three site-specific variances in each region, the delegates will consult with the AA for OLEM twenty-one (21) days before finalizing any proposed treatability variances which do not comply with the treatment levels or the technologies specified in OLEM guidance, indicating type of contamination, technology selected, and treatment levels selected.
 - c. The AA for OLEM may waive the consultation requirement by memorandum on a region-by-region basis.
4. **REDELEGATION AUTHORITY.**
 - a. The authority regarding variance petitions with respect to CERCLA remedial actions may not be redelegated further.
 - b. The authority regarding variance petitions with respect to CERCLA removal actions and actions under SWDA, may be redelegated to the branch chief level, or equivalent, and no further.

SOLID WASTE DISPOSAL ACT8-45-B. Actions on Petitions Requesting a Variance from a Treatment Standard for Contaminated Soil and/or Debris that are Site-Specific

- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Land Disposal Restrictions, 40 C.F.R. Part 268; and National Contingency Plan, 40 CFR Part 300.
- b. Delegation 14-1, Superfund State Contracts and Cooperative Agreements.
- c. Delegation 14-2, Responses.
- d. Delegation 8-45, Actions on Petitions Requesting a Variance from a Treatment Standard.
- e. Delegation 8-45-A, Actions on Petitions Requesting a Variance from Treatment Standards for One Time Wastes.



Gregory Sopkin
Regional Administrator

Date